

BOARD OF PSYCHOLOGY

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**BOARD OF PSYCHOLOGY
QUARTERLY MEETING**

OPEN SESSION MINUTES

The Westin

910 BROADWAY CIRCLE

SAN DIEGO, CA 92101

Saturday, November 6, 1999

The open session meeting of the Board of Psychology was called to order by the President, Judith Janaro Fabian, Ph.D. at 9:10 am. A quorum was present and due notice was sent to all interested parties.

Present were:

Judith Janaro Fabian, Ph.D., President
Martin Greenberg, Ph.D., Vice-President
Emil Rodolfa, Ph.D.
Pamela Harmell, Ph.D.
Mary Ellen Early
Mary McMillan
Lisa Kalustian
Marilyn Palarea

Others Present:

Thomas O'Connor, Executive Officer
Dan Buntjer, DCA Legal Counsel
Suzanne Taylor, Assistant Executive Officer
Karen Johnson, Licensing/Examination Coordinator
Jeff Thomas, Special Project Coordinator
Kathi Burns, Enforcement Analyst

Agenda item #13 - Approval of August 13-14, 1999 Open Session Minutes

M(Harmell)/S(Early)/C to approve the August 13-14, 1999 open session minutes with minor corrections.

Vote: 8-0

Agenda item #14 - President's Report - Dr. Fabian

a. Approval of Training Guidelines Pursuant to B&P Section 2914.3(B)

M(Fabian)/S(Kalustian)/C to approve guidelines as follows:

Vote: 8-0

Training Guidelines

In 1998, Senate Bill 983 (Polanco) was signed into California law. One of the provisions of this bill added section 2914.3(b) to the Business and Professions Code. This section of law requires the Board of Psychology to "...develop guidelines for the basic education and training of psychologists whose practices include patients with medical conditions and patients with mental and emotional disorders who may require psychopharmacological treatment and whose management may require collaboration with physicians and other licensed prescribers."

In compliance with the requirements of this statute, the board hereby adopts the following guidelines:

A program of didactic courses to prepare psychologists mentioned in section 2914.3(a) of the Business and Professions Code should be an organized program of instruction. The program should have appropriate faculty and facilities for the didactic training and should be from a regionally accredited institution of higher learning. Finally, the program should include, at a minimum, one course from each of the following core content areas:

- I. Neurosciences
- II. Pharmacology and Psychopharmacology
- III. Physiology and Pathophysiology
- IV. Physical and Laboratory Assessment
- V. Clinical Pharmacotherapeutics

While suggesting coursework to meet basic educational academic requirements, we recognize that: training in collaborative consultation with physicians, including indicators for referral; educational consultation with patients and families, including information on drugs that are commonly abused and potential therapeutic uses; risks, benefits and treatment alternatives to medication, and indications for physician referral are an implicit part of the practice of psychology.

It was mentioned that the State of Washington requires 45 hours of education in psychopharmacology and that this requirement will eventually be expanded to 105 hours.

b. ASPPB Update

Dr. Fabian announced that Mr. O'Connor has been reappointed to the Committee on Education and Training for Credentialing. Mr. O'Connor explained that this committee's purpose is to develop oral examination guidelines for use by states that wish to require an oral examination for licensure, but don't have the resources to develop an oral exam on their own. Mr. O'Connor points out that California's oral examination has been the model for developing these guidelines.

c. Reappointment of Public Member Mary Ellen Early

Ms. Early was reappointed to a second term as a public member of the Board by the Senate President pro Tempore, Senator John Burton. Dr. Fabian congratulated her and advised that she had administered the Oath of Office to Ms. Early on the prior day.

D. Appointment of Continuing Education Committee

Dr. Fabian announced the need to appoint a Continuing Education Committee and appointed Emil Rodolfa, Ph.D. and Marty Greenberg, Ph.D. Dr. Rodolfa was appointed chair. She thanked them for all the work they had done regarding continuing education issues.

e. Other Post-Agenda Items for Discussion

Dr. Fabian thanked the Board staff for putting together a wonderful presentation for the Strategic Planning Session held on Thursday. She commended the Board members and staff for accomplishing a myriad of projects over the last several years and for their willingness to take on more issues in the year ahead.

Agenda item#15-Executive Officer's Report - Mr. O'Connor

a. Staff Update

Mr. O'Connor announced former licensing analyst, Jeane Ward is now working at the Dental Board and that Lani Snyder, the Board's former business services technician, has been promoted to the licensing analyst position vacated by Ms. Ward's departure. Barbara Sherwin will begin on December 2nd as the new business services technician. Additionally, Janet Penney, continuing education clerk, left the Board's employ and staff is currently seeking someone to fill that vacant position.

b. Budget Change Proposal Update

The Board's three Budget Change Proposals are smoothly moving through the approval process.

c. Meeting Site Change for March 2000

The DCA policy that boards hold functions in facilities within five miles of an airport has been canceled. Therefore, the Board is exploring new locations throughout California to hold its meetings. The March meeting will be held in Monterey, CA and the May meeting will be held in Riverside, CA. Board staff is seeking a location for the August meeting that will reach a large number of consumers and psychologists at an affordable cost.

d. Other Post-Agenda Items for Discussion

None.

Agenda item #16-Legal Counsel's Report - Mr. Buntjer

a. Implementation of Mandated Ethics Training Requirement for Board Members

Mr. Buntjer explained that AB 2179 requires all DCA Board members to receive ethics training. This training can be completed by viewing a video and taking a self test, or by participating in an interactive Internet presentation and by reading a DCA publication and signing a certificate of completion.

Each Board member was sent a copy of the video and the test self along with the DCA publication and self certification. They were asked to return the test and self-certification to Mr. O'Connor who will forward them on to the Department.

b. Postsecondary Act Requirements for Professional License Examination Preparations Providers

Mr. Buntjer explained that there had been a question regarding whether the Bureau for Private Postsecondary and Vocational Education (BPPVE) requires a provider that offers a professional license examination preparation education program to receive an *approval* from the BPPVE to offer the program, or must instead hold a *registration* for that educational program from the BPPVE. A registration is much easier to obtain than an approval. A legal opinion from the BPPVE indicated that, at this time, only registration is required.

c. Disclosure of Information in License Files

Mr. Buntjer presented an informational memo, including a quick reference table, that outlines what information from license files can be disclosed and to whom. This information will assist Board staff in complying with requests for copies of documents contained in a licensee's file. Mr. Buntjer will research what information should be disclosed to other state licensing agencies and law enforcement agencies.

d. Other Post-Agenda Items for Discussion

Mr. Buntjer reported that the Healthcare Integrity and Protections Data Bank (HIPDB) regulations became effective in final form last week. He indicated that the Department's legal office is researching the requirements that the HIPDB regulations impose on the Board regarding disclosure of disciplinary action.

Agenda item # 17-Regulation Update-Mr. Thomas

a. Update on Rulemaking Files in Progress

Mr. Thomas reported that the Board held two regulation hearings on the prior day; 1) spousal abuse regulations and change of the Board's address and 2) licensing fee reduction regulations. The language contained in both proposed regulation changes was adopted. The rulemaking file will now be completed and filed.

The rulemaking file regarding the continuing education regulations is currently at the Office of Administrative Law and they have 30 working days from October 12, 1999 to act on it.

b. Approval for Language Updating Disciplinary Guidelines - Ms. Taylor

Ms. Taylor reported that the regulations to change the Board's Disciplinary Guidelines were noticed and no hearing was requested by the public. The Board voted unanimously to adopt the proposed language for the Disciplinary Guidelines.

M(Rodolfa)/S(Early)/C to adopt the proposed disciplinary guideline language.

c. Other Post-Agenda Items for Discussion

None.

Agenda item #18-Continuing Education Update - Mr. Thomas

a. Accrediting Agency Audit Update

Mr. Thomas reported that Dr. Rodolfa and Dr. Greenberg were scheduled to meet on November 12, 1999 to move forward with the continuing education audit.

b. Continuing Education Statistics

Mr. Thomas distributed a non-compliance statistic report. This report showed that from January through July 1999, about 20% of psychologists were not in compliance with the continuing education requirements. Mr. Thomas reported that the Board sent out over 300 letters to those psychologists giving deadlines for compliance. Mr. Thomas predicts that as licensees realize that compliance is closely monitored, the noncompliance rate will probably drop dramatically.

c. Correspondence from Elizabeth Klonoff, PhD

Mr. O'Connor explained that Dr. Klonoff was requesting that psychologists be allowed to obtain continuing education credit for professional publications. Dr. Marks-Tarlow stated that the purpose of continuing education is to allow for diverse learning opportunities, not merely experience in your own field of specialty areas. After some discussion, the Board decided that it would not be appropriate to accept publications for continuing education credit. The staff and the Continuing Education Committee were instructed to develop a response to Dr. Klonoff explaining the Board's position on this matter.

d. Other Post-Agenda Items for Discussion

Agenda item # 19-Credentials Committee Report

Dr. Rodolfa reported for the Credentials Committee in the absence of Linda Hee, Ph.D.

a. Reininga, Eric, PhD - Equivalent Degree

M/(CredentialsCommittee)/C to approve Dr. Reininga's degree as equivalent.

Vote: 8-0

b. Sinacola, Richard, PhD - Appeal of the Denial of his Doctorate Degree

Staff will request more information.

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c. West, Gordon, PhD - Equivalent Degree

M/(Credentials Committee)/C to reject Dr. West's degree as equivalent.

Vote: 8-0

d. Ballin, Barbara, PhD - Request for Waiver of the Human Sexuality and Child Abuse Courses Required for Licensure

M/(Credentials Committee)/C to deny waiver.

Vote: 8-0

e. Family and Community Enrichment Services - Request for Waiver of the 50% On-Site Requirement Based on Policy #L-99-02

Staff will request more information.

f. Other Post-Agenda Items for Discussion

M/(Credentials Committee)/C to not approve Dr. Romanelli's degree as equivalent.

Vote: 8-0

Agenda item # 20-Examination Committee Report - Dr. Fabian

a. Oral Jurisprudence and Professional Ethics Exam Will Become Written Exam in January 2000

Dr. Fabian announced that the Jurisprudence and Professional Ethics examination will no longer be an oral examination. Instead it will be a 100-question, multiple choice, written examination to be administered at the same time as the oral exams.

b. Examination Calendar

Dr. Fabian noted the number of examination activities scheduled and acknowledged that the Board continues to work and refine all aspects of the exam with the help of the Office of Examination Resources.

c. Ballin, Barbara, PhD - Request for Waiver of the Oral Examination

M/(Examinations Committee)/C to deny waiver.

Vote: 8-0

d. Recupero, Christopher - Request for Waiver of the Oral Examination

M/(Examinations Committee)/C to deny waiver.

Vote: 8-0

e. Other Post-Agenda Items for Discussion

None.

Agenda item #21- Enforcement Committee Report

a. Latest Enforcement, Probation and Cite/Fine Statistics

Ms. Taylor explained that as of November 1st, the number of complaints received and the number of investigations opened have decreased. This is a trend seen in the Medical Board and the Board of Behavioral Sciences as well. Ms. Taylor indicated that the Board's efforts to educate and the use of an in-house consultant could be reasons for the decreasing numbers.

Dr. Haley asked if someone filed a complaint on-line, would they be notified that the complaint had been received. Mr. O'Connor indicated that the complainant would receive written notification within ten days, but not via the Internet.

b. Expert Case Reviewer Nominations

Ms. Palarea noted that two psychologists had applied to become expert reviewers and both were accepted.

c. New Expert Case Reviewer Training Manual

Ms. Palarea noted that a new Expert Reviewer Training Manual had been prepared and sent to all expert reviewers for the Board.

Mr. O'Connor announced that there will be an expert training session at the CPA convention in San Jose next year.

d. Other Post-Agenda Items for Discussion

None.

Agenda Item# 22-Legislation Committee Report - Ms. McMillan

The Legislation Committee's report was for the purpose of information only.

a. SB 433 (Johnson)

This bill will revise existing law regarding court-appointed evaluators in child custody family court cases. This bill will require the Judicial Council to formulate a statewide rule of court by January 1, 2002, that establishes education, training, and license requirements for all child custody evaluators and requires child custody evaluators to declare under penalty of perjury that they are currently licensed and meet all other requirements of the rule. This bill was signed by

Governor Davis and chaptered on October 10, 1999.

b. SB 809 (O'Connell)

This bill establishes a statute of limitations upon the Board of Psychology and the Board of Behavioral Sciences. This bill will require an accusation brought against a licensee to be filed within 3 years from the date the board discovers the alleged act or omission that is the basis for disciplinary action, or within 7 years from the date the alleged act or omission occurred, whichever occurs first. These requirements will not apply if the accusation filed against a licensee alleges the procurement of a license by fraud or misrepresentation. The bill was amended to toll any act or omission involving a minor until the minor reaches the age of maturity. This bill was signed by Governor Davis and chaptered on September 21, 1999.

c. SB 1308 (Business and Professions Committee)

This is an omnibus committee bill covering several boards in the Department of Consumer Affairs. This bill contains technical cleanup measures regarding the board. This bill was signed by Governor Davis on October 6, 1999, and chaptered on October 10, 1999.

d. AB 400 (Lempert)

The August 16, 1999 hearing was canceled at request of the author. This is a two-year bill.

e. AB 606 (Jackson)

This bill is regarding the Victims of Crime Program and is included as an item of interest for the Board. Among other things, this bill allows unlicensed persons who work at private nonprofit agencies to be providers. This bill was signed by the Governor on October 2, 1999, and chaptered on October 4, 1999.

f. AB 1144 (Aanestad)

This is a two year bill.

g. AB 1592(Aroner)

This bill is dead.

h. AB 88 (Thompson)

This bill has the same basic principles of Senator Polanco's bill which deals with insurance coverage for mental illness. This bill was signed by the Governor on September 27, 1999, and chaptered on September 28, 1999.

i. SB 468 (Polanco)

This is a two year bill.

k. Other Post-Agenda Items for Discussion

None.

Agenda item #23-Consumer Education Committee Report-Mr. O'Connor

a. BOP Update 7 Development

Mr. O'Connor reported that the BOP 7 will contain information regarding the jurisprudence and professional ethics examination becoming a written exam, county statistics on psychologists, enforcement statistics, renewal/initial license fee reduction, on-line application and complaint filing, the year 2000 Board calendar, the latest exam statistics, the Statement on Medication, a guest article by Dr. Doris Penman, and an overview of the renewal process including information about active status vs. inactive status and continuing education requirements.

b. Website Update

1. Statement on Medication

Mr. Thomas explained that the Statement on Medication is now on-line. Mr. Thomas handed out statistics regarding the number of hits the Board's website received. He explained that in the last three months, our website received approximately 60,000 hits.

c. Other Post-Agenda Items for Discussion

None.

Agenda item #24-Public Comment

Dr. Haley announced that CPA has formed an alliance with all the academy chairs of the psychology departments to form an organization to define what is or is not a psychological test. This organization will get together in December of this year and then they will meet with the Western Psychological Association at the convention regarding this issue.

Terry Marks-Tarlow, Ph.D. informed the Board that a task force has been created and is working with CPA on defining the standards of supervision and the development of a contract between supervisors and supervisees.

The open session meeting adjourned at 10:20 am.

The Examination Committee met in closed session.

Respectfully submitted,

Judith Janaro Fabian, Ph.D.
President

Date

Marty Greenberg, Ph.D.
Vice-President

Date